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Board of Building Regulations and Standards (BBRS)

COASTAL SUBGROUP MEETING

January 9, 2020 Meeting Minutes

1:00 p.m.

1000 Washington Street Room 1-E Boston MA 02118

Roll Call:

BBRS Richard Crowley, Group Chair	√ present 0 absent	HBRA John Bologna	√ present 0 absent
CZM Lisa Berry Engler	√ present 0 absent	PJM David Macartney	√ present 0 absent
CZM Rebecca Haney	√ present 0 absent	Steve Mague	0 present √ absent
DCR Joy Duperault	0 present √ absent	AIA Andrew Kollar	√ present 0 absent
DCR Eric Carlson	√ present 0 absent	SEMBOA Mike Clancy	√ present 0 absent
DEP Lealdon Langley	√ present 0 absent	NAIOP Katie T. Moniz	√ present 0 absent
Construction Rep.	0 present √ absent	NAIOP Jamie M. Fay	√ present 0 absent
FEMA Coastal Engineer John Grace	0 present √ absent	ISD Jim Kennedy	√ present 0 absent

**General notes on format of these minutes**

- *These minutes represent general points discussed during the meeting. The minutes are not intended to be a verbatim account of discussions.*
- *Agenda topics as numbered may not be in the same order as they appear on the meeting agenda.*
- *The meeting agenda is listed as **EXHIBIT A**; others are listed sequentially as addresses during the meeting.*

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1. **Roll call.** Chairman Crowley opened the meeting about 1:30 pm with roll call.
  2. **Vote/Discuss Draft Meeting Minutes October 17, 2019.** Rebecca Haney offered edits to item #3 that the notation about wetlands and/or open space change to 2.1 sq. miles of open space and 2.37 sq. miles of wetlands. On a MOTION by John Bologna, 2nd by David Macartney, it was unanimous vote approving as amended.
  3. **Vote/Discuss Draft Meeting Minutes November 21, 2019.** Rebecca Haney offered an edit to item #3, in the 4th paragraph to strike "Chapter 91" and insert "elevation." Andrew Kollar offered an edit to #4 in the 8th paragraph. He recalls offering comments relating to professionals not liable if changes to regulations to regulations occur over time. On a MOTION by John Bologna, 2nd by David Macartney, it was unanimous vote approving as amended. Lealdon Langley abstained from this vote.
  4. **Discuss** Chapter 91, Hull Building Commissioner Bart Kelly, Anne Herbst, MAPC. Chairman Crowley recognized two guests; Bart Kelly, Building Commissioner for the



Town of Hull, and Anne Herbst, past Conservation Administrator for the Town of Hull and now employed by the MAPC. Commissioner Kelly spoke about Hull's program, which provides property owners an incentive to elect to add freeboard to their structure (elevating the structure lower floor level above the base flood level). He explained the Town allows reducing the building permit fee by \$500, or of the cost of the permit if lower than \$500 after the property owner provides an elevation certificate verifying the structure has been elevated a minimum of two feet above the highest federal or state requirement for the flood zone.

Anne Herbst explained the Town's zoning changed to allow the zoning board to grant a special permit to grant up to 4 feet of additional height to the structure for providing up to 4 feet of freeboard.

John Bologna asked about how the Town handles preexisting nonconforming buildings. Commissioner Kelly said the special permit process is used only if incorporating additional height to include extra freeboard.

Lealdon Langley asked if the building code were to change to allow structures 4 feet of additional height, would this offset the need for a special permit. Chairman Crowley explained the building code would not offset local zoning requirements.

John Bologna spoke about the Town of Nantucket by-law includes measuring the structure height from its base flood elevation. He also spoke about the \$500 rebate the Town of Hull has instituted possible because this fee is discretionary.

Anne Herbst explained the Town of Hull zoning includes an overlay district that allows parking on an open lower level.

Chairman Crowley asked if a property owner does not have a mortgage, do they need flood insurance. Commissioner Kelly did not think the property would need insurance.

Andrew Kollar talked about Chapter 16 in the building code includes loading tables and about changing these tables to add a freeboard number, which each city and town could decide it wants to have as their minimum requirement. John Bologna believes ASCE 24 (flood-resistant design and construction standard) embedded in the code.

Chairman Crowley asked Commissioner Kelly why people choose to elevate their structure; is it the fee reduction incentive or the cost of insurance. Commissioner Kelly thinks the insurance costs are the greater significant factor.

5. **Discuss** Commercial Builder and Home Builder issues. David Macartney spoke about commercial properties having structures subject to elevating the 1st floor and how this configuration is a problem to get people to walk up to the 1st floor. He expressed interest in some of the Florida code, which allows incorporating flood-proof construction techniques that enable uses below the base flood elevation, and he would not have a problem with disallowing some of the lightweight construction types in these instances.

Jim Kennedy spoke about the need to consider the risks if the property owners choose not to follow the NFIP requirements.

John Bologna spoke about the need for consistent requirements and recognized local zoning requirements challenge this objective. He also thinks the 50% calculation needs clarification, so it applied uniformly. Looking at the Florida code and the New York code to understand these requirements would help this group identify some flexibility to recommend to the BBRS.

Katie Moniz talked about the Florida code and thinks it includes flexibility without the need to seek variances.

Jamie Fay spoke about supporting the idea of having different standards for multifamily buildings and commercial buildings. He also spoke about having standards that promote good urban designs that have the building accessed at street level.

Lealdon Langley spoke about the 1.5 to 3-foot wave being a concern, and he has heard this from FEMA. Jamie Fay clarified that it is possible to engineer the structure to account for 3-foot wave action.

Chairman Crowley spoke about this subgroup identifying findings that incorporate today's discussion. John Bologna thinks the group could recommend some findings to the BBRS.

Lealdon Langley thinks this might be a good time to discuss the Coastal Sub-group Suggested Findings offered by Lisa Engler.

6. **Discuss** Lisa Engler's Coastal Sub-group Suggested Findings document. Jamie Fay talked about not wanting to recommend a change to the state or federal laws. Andrew Kollar thinks creating an outline is a first step to formulating recommendations. Lealdon Langley thinks the group agrees on the residential requirements but maybe not on the commercial needs.

Lisa Engler talked about the document (Coastal Sub-group Suggested Findings) and thought the group should identify the points from it that apply and recommend putting these into three categories; findings, facts, and a proposal to the board, other issues to work on by other groups.

Bologna thinks our recommendations should include a change to the Coastal A Zone definition. He noted that Florida's and New York's descriptions differ from FEMA.

7. **Adjourn.** On a **MOTION** by Andrew Kollar, seconded by Lealdon Langley, it was unanimously. Next meeting February 27, 2020, in the afternoon and the next following meeting, March 19, 2020. All recommendations submitted to Dan Walsh by February 14.

#### **Exhibits**

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- A. Meeting agenda.
- B. Meeting minutes, October 17, 2019\_B.
- C. Meeting minutes, November 21, 2019.
- D. Coastal Sub-group Suggested Findings document.
- E. Best Practices Doc.
- F. Town of Hull Freeboard Incentive.
- G. Town of Hull Special Flood Hazard Area zoning.